

ORDINANCE NO. R- 2014-27TAX CODE(S) 82-00-13-016-148.001-027

AN ORDINANCE TO REZONE CERTAIN REAL ESTATE IN THE CITY OF EVANSVILLE, STATE OF INDIANA, MORE COMMONLY KNOWN AS 2422 N. BURKHARDT ROAD, EVANSVILLE, IN 47715
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF EVANSVILLE, INDIANA, AS FOLLOWS, TO WIT:

Section 1: That Ordinance no. G-82-51, being the Municipal Code of the City of Evansville, Indiana, 1982, and more particularly Title XV, Chapter 153, by making certain changes in Atlas 1, which is made part of said section with respect to the following described real estate located in the City of Evansville, Vanderburgh County, State of Indiana:

SEE ATTACHED LEGAL DESCRIPTION

by changing the zoning classification of the above-described real estate from R-1 to M-2, and said real estate is hereby so rezoned and reclassified.

Section 2. The Director of the Area Plan Commission of Evansville and Vanderburgh County is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on said Atlas 1 as set out in Section 1 of this Ordinance, and to make notation in ink thereon of reference to the number of this ordinance and the date of final publication of the amendatory ordinance after its passage and approval; however, failing to do so shall not invalidate this Ordinance.

Section 3. This ordinance shall be in full force and effect from and after its passage by the Common Council, its approval by the Mayor, and its publication as required by law, which publication is now ordered.

Section 4. The subject property herein rezoned shall be used and developed only in accordance with the use and development commitment which is incorporated as part of this Petition for Rezoning and recorded in the office of the Recorder of Vanderburgh County, Indiana on FEB 17, 2015 at Instrument No.: 2015R00003540. No improvement location permits shall be issued unless the proposed use is in compliance with said recorded use and development commitment.

Passed by the Common Council of Evansville, Indiana, on this 9 day of Feb, 20 15.

ATTEST:

Ganna Widhorst
City Clerk

W. Sam Adams
President

Presented to me, the undersigned, City Clerk of the City of Evansville, Indiana, to the Mayor of said City, the 11 day of February, 20 15.

Ganna Widhorst
City Clerk

Having examined the foregoing Ordinance, I do now, as Mayor of the City of Evansville, Indiana, approve said Ordinance, and return same to the City Clerk this 12th day of February, 20 15, at 9 am o'clock

Jeff Quince
Mayor of the City of Evansville, Indiana

THIS INSTRUMENT PREPARED BY: CASH WAGGNER AND ASSOCIATES, PC
SCOTT BUEDEL

FILED

NOV 07 2014

Ganna Widhorst
CITY CLERK

USE AND DEVELOPMENT COMMITMENT

WHEREAS the Undersigned, CWK INVESTMENTS - UNITED, LLC Petitioner, is the owner of certain real estate situated in the City of Evansville, Indiana, commonly described as (Address) 2422 N. BURKHART ROAD, which real estate is more particularly described as follows, to wit: EVANSVILLE, IN 47715

SEE ATTACHED LEGAL

WHEREAS, as the real estate is currently classified as a(n) R-1 Zoning district under the Evansville Zoning Code and is so indicated on the zoning maps maintained by the staff of the Evansville-Vanderburgh County Area Plan Commission; and

WHEREAS, Petitioner has requested that the Real Estate be reclassified to zoning district M-2; and

WHEREAS, Petitioner is desirous of accommodating the concerns of the surrounding property owners by making a written commitment concerning the use and development of the Real Estate pursuant to I.C. 36-7-4-613;

NOW, THEREFORE, in consideration of the foregoing, petitioner makes the following use and development commitment:

1. Use of the Real Estate shall be limited to the following:

ALL M-2 USE GROUPS WITH THE
EXCEPTION OF USE GROUP 21
(TWENTY-ONE).

2. All commitments and undertakings herein expressed shall be binding on the petitioners and the petitioners' heirs, legal representative, successors and assigns, and shall run in the favor of the Area Plan Commission of Evansville-Vanderburgh County and all the owners of real estate lying within the radius of one (1) mile from the real estate described and shall be enforced by invoking any legal, equitable or special remedy, including specific performance, injunction or equitable relief pursuant to the manner of enforcement as set forth in I.C. 36-7-4-613, 36-7-4-1013, and 36-7-4-1014. If it is necessary to initiate administrative or judicial

proceedings to enforce any such commitment or undertaking, the person or entity obtaining enforcement in such proceedings shall also recover its reasonable attorneys' fees and costs of suit from the undersigned.

IN WITNESS WHEREOF, this Use and Development Commitment is hereby made and entered into this 3rd day of November, 2014 by C Wayne Kinney for the purpose set forth herein.

C Wayne Kinney
Signature

STATE OF INDIANA)
) SS:
COUNTY OF VANDERBURGH)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named C Wayne Kinney who acknowledged the execution of the foregoing Use and Development Commitment to be his free voluntary act and deed.

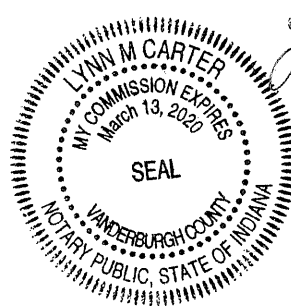
WITNESS my hand and Notarial Seal this 3rd day of November, 2014.

NOTARY PUBLIC

A resident of Vanderburgh County, Indiana.

My commission expires:

March 13, 2020



Lynn M Carter

This instrument prepared by: (Name) CASH WAGGNER AND ASSOCIATES, PC
(Address) 414 CITADEL CIRCLE, SUITE B
(Phone) 812-401-5561

Rezoning Description

Part of Lot 1 in Tri-State Machine, as per plat thereof, recorded in Plat Book S, page 191 in the Office of the Recorder of Vanderburgh County, Indiana and being more particularly described as follows:

Beginning at the northeast corner of said Lot 1; thence along the east line of said Lot 1, South 00 degrees 11 minutes 01 second West 95.35 feet to the north boundary of a tract of land rezoned to M-2 by Ordinance No. VC 25-78; thence along the north boundary of said tract of land rezoned to M-2, South 89 degrees 37 minutes 03 seconds West 496.63 feet to a point on the west line of said Lot 1 in Tri-State Machine; thence along the west line of said Lot 1, North 00 degrees 11 minutes 01 second East 95.35 feet to the northwest corner thereof; thence along the north line of said Lot 1, North 89 degrees 37 minutes 03 seconds East 496.63 feet to the point of beginning and containing a gross area of 1.09 acres, more or less.

Subject to all easements, rights-of-ways, and restrictions of record.

VERIFIED PETITION FOR REZONING

2014-32

-PC

ORDINANCE NO. R-2014-27COUNCIL DISTRICT: WARD 1 - DANIEL MCGINN

PETITIONER CWK INVESTMENTS - UNITED, LLC PHONE 812-760-1365
 ADDRESS 9210 PETERSBURG ROAD, EVANSVILLE, IN ZIP CODE 47725
 OWNER OF RECORD CWK INVESTMENTS - UNITED, LLC PHONE 812-760-1365
 ADDRESS 9210 PETERSBURG ROAD, EVANSVILLE, IN ZIP CODE 47725

- Petition is hereby made for the amendment of the "Zoning Maps" of the Area Plan Commission of Evansville and Vanderburgh County, pursuant to the Indiana Code and the Municipal Code of Evansville.
- Premises affected are on the WEST side of N. BURKHARDT a distance of 1700 feet NORTH (N.S.E.W.) of the corner formed by the intersection of MORGAN AVE. and N. BURKHARDT RD.
 Registered Neighborhood Association (if applicable) NONE

LEGAL DESCRIPTION:

SUBDIVISION TRI-STATE MACHINE BLOCK — LOT NO. Part of Lot 1
 (where applicable - if not in a subdivision, insert legal here or attach to ordinance) (SEE ATTACHED)

- The commonly known address is 2422 N. BURKHARDT ROAD, EVANSVILLE, IN
- The real estate is located in the Zone District designated as R-1
- The requested change is to (Zone District) M-2
- Present existing land use is VACANT
- The proposed land use is STORAGE / M-2 USES EXCEPTING USE GROUP 21
- Utilities provided: (check all that apply)
 City Water ☒ Electric ☒ Gas ☒ Storm Sewer ☒
 Sewer: Private ☐ Public ☒ Septic ☐
- All attachments are adopted by reference.
- The owner, or attorney for the owner, hereby certifies that the owner of record shown above owns 50% or more of the area of the above described real estate. I affirm under the penalties for perjury that the foregoing representations are true.

(REQUIRED) Signatures:

DATE 11-3-14 PETITIONER C. Wayne Kinney
 (when signed) PRINTED NAME C. WAYNE KINNEY

DATE 11-3-14 OWNER OF RECORD C. Wayne Kinney
 (when signed) PRINTED NAME C. WAYNE KINNEY

REPRESENTATIVE FOR PETITIONER
 (Optional)

NAME CASH WAGGNER & ASSOCIATES, PC
 ADDRESS/ZIP 414 CITADEL CIRCLE, SUITE B
 PHONE 812-401-5561 47715

FILED

NOV 07 2014

Anna Winkler
 CITY CLERK

Rezoning Description

Part of Lot 1 in Tri-State Machine, as per plat thereof, recorded in Plat Book S, page 191 in the Office of the Recorder of Vanderburgh County, Indiana and being more particularly described as follows:

Beginning at the northeast corner of said Lot 1; thence along the east line of said Lot 1, South 00 degrees 11 minutes 01 second West 95.35 feet to the north boundary of a tract of land rezoned to M-2 by Ordinance No. VC 25-78; thence along the north boundary of said tract of land rezoned to M-2, South 89 degrees 37 minutes 03 seconds West 496.63 feet to a point on the west line of said Lot 1 in Tri-State Machine; thence along the west line of said Lot 1, North 00 degrees 11 minutes 01 second East 95.35 feet to the northwest corner thereof; thence along the north line of said Lot 1, North 89 degrees 37 minutes 03 seconds East 496.63 feet to the point of beginning and containing a gross area of 1.09 acres, more or less.

Subject to all easements, rights-of-ways, and restrictions of record.

MIMOSA DR

ROSE LN

OLD BOONVILLE HWY

N BURKHARDT RD

MJM INDUSTRIAL DR

C-4

CO-2

R-1

REZONE R-1 TO M-2

M-2

M-1

INTERCHANGE RD N